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INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY

UNCLAS PHNOM PENH 000387

SENSITIVE
SIPDIS

STATE FOR EAP/MLS, P, D, DRL

E.O. 12958: N/A

TAGS: PGOV PHUM PREL KJUS CB
SUBJECT: COURT OFFICIALS QUESTION PRIME MINISTER, DISMISS
MU SOCHUA'S COMPLAINT

REF: A. PHNOM PENH 368
B. PHNOM PENH 297
C. PHNOM PENH 295
D. PHNOM PENH 279
E. PHNOM PEHN 273

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) SUMMARY: Prosecutors from the Phnom Penh Municipal Court dismissed the defamation complaint filed by Sam Rainsy Party Parliamentarian Mu Sochua against Prime Minister Hun Sen on June 10, after questioning the Prime Minister on June ¶18. END SUMMARY.

¶2. (SBU) Mu Sochua's lawyer, Kang Sam Onn, told Poloff on June 10 that the Phnom Penh Municipal Court dismissed his client's complaint that morning. Under Cambodian law, Mu Sochua has 30 days to appeal the decision. Kang Sam Onn said he needed to consult with his client before saying if they intended to appeal.

¶3. (SBU) English-language newspaper The Cambodia Daily reported that a prosecutor and deputy prosecutor from the Phnom Penh Municipal Court questioned the Prime Minister in his private office at the Council of Ministers building in Phnom Penh on the evening of June 8. The Prime Minister's lawyer, Ky Tech, told the reporter that the court had summoned the Prime Minister to appear in court on June 8, but the Prime Minister had security concerns about going to the court building, so the prosecutors went to his office instead. Post consulted with court sources who confirmed the meeting happened, but would not offer details on the content of the meeting.

¶4. (SBU) According to Ky Tech, the prosecutors asked the Prime Minister about his April 4 comments (Ref E); the Prime Minister acknowledged making the remarks, but continued to deny that they referred to Mu Sochua.

¶5. (SBU) This was the first time the Prime Minister discussed any of the defamation complaints directly with court officials. Ky Tech appeared on behalf of the Prime Minister in previous court sessions, when the court asked the Prime Minister to provide support for the complaint filed against Mu Sochua.

¶6. (SBU) The court summoned Mu Sochua and her lawyer on June 3 to defend against the Prime Minister's complaint (Ref A). Afterwards, Mu's lawyer criticized the court for moving ahead with the Prime Minister's complaint before following through on Mu's complaint, which was filed first. Some local NGOs expressed concern that the suits appeared to be receiving unequal treatment. Sok Sam Oeun, from Cambodian Defenders Project, stated that the "court must summon them (the Prime Minister and Mu Sochua) together."

¶6. (SBU) In Ky Tech's complaint against Kang Sam Onn before

the Cambodian Bar Association, Kang Sam Onn was questioned by an investigative panel on June 8, and Ky Tech appeared before the panel on June 9. Ky Tech reportedly told the panel that he wanted to press forward with the complaint, and reiterated his primary grievance that Kang Sam Onn should not have commented on the Prime Minister during an April 23 press conference before the court ruled in the case (Ref A).

¶7. (SBU) Kang Sam Onn has repeatedly said that he does not believe the Bar Association can make an independent decision in this case. The President of the Bar Association denies this concern. The panel is expected to forward their findings to the 19-member Bar Council this week. The Bar Council then makes the final decision on whether Kang Sam Onn committed an ethics violation. The President of the Bar Council publicly stated that Kang Sam Onn "will be suspended from working as a lawyer for two years" if he is found to have violated the code of ethics. (COMMENT: While this penalty is permissible under the 1995 Law on the Bar, it is one the most serious penalties - short of absolute disbarment. That the Bar Association President is already floating penalty recommendations, before the investigative panel has submitted its findings and before the Bar Council has met to discuss the situation, does not bode well for Kang Sam Onn. END COMMENT.)

RODLEY